

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING APPLICATION
AND A PRIOR PATENT**

In re Application of: Iain F. McVEY, et al.

Application No.: 10/554,223

Group Art Unit: 1793

Filed: October 20, 2005

Examiner: Daniel J. Berns

For: ACTIVATED VAPOR TREATMENT FOR NEUTRALIZING
WARFARE AGENTS

The joint owners, **STERIS INC. AND THE GOVERNMENT OF THE UNITED STATES**, of 100% percent interest in the instant application hereby disclaim, except as provided below:

the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending Application Serial No. **10/422,474**, filed on **April 24, 2003**; and

the terminal part of the statutory term, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as presently shortened by any terminal disclaimer of prior Patent No. **7,102,052**, issued **September 5, 2006**.

The owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patents granted on Application Serial No. **10/422,474** are commonly owned by STERIS INC., and during such period that it and Patent No. **7,102,052** are commonly owned by STERIS INC. and THE GOVERNMENT OF THE UNITED STATES. This agreement runs with any patent granted on the instant application and is binding upon grantees, their successors, or assigns.

In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of any patent granted on Application Serial No. **10/422,474**, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

In making the above disclaimer, the owners do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of Patent No. **7,102,052**, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a

court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

STERIS INC. is the owner of a 100% interest in Application Serial No. 10/422,474. The invention claimed in Application Serial No. 10/554,223 was made by or on behalf of parties to a joint research agreement that was in effect before the date the claimed invention was made. The joint research agreement, executed on July 24, 2002, establishes a cooperative agreement entered into by Strategic Technology Enterprises, Inc., a wholly owned subsidiary of STERIS Inc., and The US Army, Edgewood Chemical Biological Center (representing THE GOVERNMENT OF THE UNITED STATES), for the performance of cooperative research and development in the field of the claimed invention.


☒ The undersigned is an attorney or agent of record.

June 9, 2009

Date

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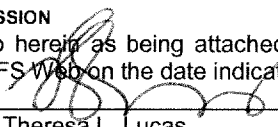
☒ The required fee for the terminal disclaimer fee under 37 CFR 1.20(d) is being authorized to be charged to a Credit Card via EFS electronic filing.

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being transmitted to the USPTO by electronic transmission via the EFS Web on the date indicated below.

June 9, 2009

Date


Name: Theresa L. Lucas